

February 23, 2009

Honorable Byron L. Dorgan  
Chairman  
Committee on Indian Affairs  
United States Senate  
Washington, DC 20510

Honorable John Barrasso  
Ranking Member  
Committee on Indian Affairs  
United States Senate  
Washington, DC 20510

Re: Support for Long-term Funding for Tribal Justice Systems through  
Reauthorization of the Indian Tribal Justice Technical and Legal Assistance Act  
of 2000 and the Indian Tribal Justice Act of 1993

Dear Chairman Dorgan and Senator Barrasso:

I write to express the American Bar Association's strong support for adequate, stable, long-term funding for tribal justice systems. As an initial step, we would like to encourage your Committee to consider legislation to reauthorize the Indian Tribal Justice Technical and Legal Assistance Act of 2000 and the Indian Tribal Justice Act of 1993. These statutes authorize funding through the Department of Justice and the Department of the Interior for criminal and legal assistance, and for the development and continuing operation of tribal justice systems.

As you well know, legislation to reauthorize these programs was introduced last Congress as S. 2087, a stand-alone bill, and as part of S. 3320, the Tribal Law and Order Act of 2008. Both bills received consideration but were not enacted. We appreciate your past efforts to provide for long-term funding for tribal justice system programs and hope that the Committee will bring those efforts to fruition this session of Congress.

More than 350 tribal justice systems play an important role in Native American communities, handling a wide range of difficult criminal and civil justice problems with far fewer resources than are available to their state and federal counterparts. In fact, tribal courts are the keystone to tribal economic development and self-sufficiency.

Federal resources made available to tribal judicial systems over recent years through the Bureau of Justice Assistance in the Department of Justice and the Bureau of Indian Affairs in the Department of the Interior have been modest. Nonetheless, these funds have enabled tribal courts and governments to draft and review environmental, domestic violence and other regulatory codes; apply traditional and alternative methods and processes to address conflict or wrongdoing within their communities; hire and train judicial personnel; and receive technical assistance services. Additional funds are sorely needed to fund Indian Legal Services programs, address additional pressing administration of justice issues, and to otherwise develop, enhance, and continue the operation of tribal justice systems.

In August 2008, the ABA adopted policy affirming that tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities and urging increased funding for, and enhancement of, tribal justice systems. Reauthorization of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 and the Indian Tribal Justice Act of 1993 is an important step in this direction. We urge your Committee to make enactment of the reauthorization of these laws a priority this year, and we stand ready to assist you in whatever way we can.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Susman", with a long horizontal flourish extending to the right.

Thomas M. Susman  
Director

cc: Members of the Committee on Indian Affairs